

**§ 655.1250 Who is the official record keeper for these administrative appeals?**

The official record of every completed administrative hearing procedure provided by subparts L and M of this part shall be maintained and filed under the custody and control of the Chief Administrative Law Judge. Upon receipt of a complaint seeking review of the final agency action in a United States District Court, the Chief Administrative Law Judge shall certify the official record and shall transmit such record to the clerk of the court.

**§ 655.1255 What are the procedures for debarment of a facility based on a finding of violation?**

(a) The Administrator shall notify the Attorney General and ETA of the final determination of a violation by a facility upon the earliest of the following events:

(1) Where the Administrator determines that there is a basis for a finding of violation by a facility, and no timely request for hearing is made under § 655.1220; or

(2) Where, after a hearing, the administrative law judge issues a decision and order finding a violation by a facility, and no timely petition for review to the Board is made under §§ 655.1245; or

(3) Where a petition for review is taken from an administrative law judge's decision and the Board either declines within 30 days to entertain the appeal, under § 655.1245(c), or the Board affirms the administrative law judge's determination; or

(4) Where the administrative law judge finds that there was no violation by a facility, and the Board, upon review, issues a decision under § 655.1245(h), holding that a violation was committed by a facility.

(b) The Attorney General, upon receipt of the Administrator's notice under paragraph (a) of this section, shall not approve petitions filed with respect to that employer under section 212(m) of the INA (8 U.S.C. 1182(m)) during a period of at least 12 months from the date of receipt of the Administrator's notification.

(c) ETA, upon receipt of the Administrator's notice under paragraph (a) of

this section, shall suspend the employer's Attestation(s) under subparts L and M of this part, and shall not accept for filing any Attestation submitted by the employer under subparts L and M of this part, for a period of 12 months from the date of receipt of the Administrator's notification or for a longer period if one is specified by the Attorney General for visa petitions filed by that employer under section 212(m) of the INA.

**§ 655.1260 Can Equal Access to Justice Act attorney fees be awarded?**

A proceeding under subpart L or M of this part is not subject to the Equal Access to Justice Act, as amended, 5 U.S.C. 504. In such a proceeding, the administrative law judge shall have no authority to award attorney fees and/or other litigation expenses under the provisions of the Equal Access to Justice Act.

## **PART 656—LABOR CERTIFICATION PROCESS FOR PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES**

**Subpart A—Purpose and Scope of Part 656**

Sec.

656.1 Purpose and scope of part 656.

656.2 Description of the Immigration and Nationality Act and of the Department of Labor's role thereunder.

656.3 Definitions, for purposes of this part, of terms used in this part.

**Subpart B—Occupational Labor Certification Determinations**

656.5 Schedule A.

**Subpart C—Labor Certification Process**

656.10 General instructions.

656.15 Applications for labor certification for *Schedule A* occupations.

656.16 Labor certification applications for sheepherders.

656.17 Basic labor certification process.

656.18 Optional special recruitment and documentation procedures for college and university teachers.

656.19 Live-in household domestic service workers.

656.20 Audit procedures.

656.21 Supervised recruitment.

656.24 Labor certification determinations.